

Work Session of the Sandy Springs City Council was held Tuesday, February 12, 2008, 6:00 p.m., Mayor Eva Galambos presiding.

Staff Discussion Items

Discussion of the Board of Ethics bylaws

City Attorney Willard stated that the City Charter requires that the City Council approve the by-laws of the Ethics Board.

Councilmember Fries stated that Council had wanted to make changes to the Planning Commission's bylaws and was told changes were not allowed. There is nothing in the City Charter that says Council needs to approve the bylaws. Council has not approved any of the City's other committee bylaws. She would like to have consistency throughout the committees.

Councilmember MacGinnitie stated that the policy provides for the use of proxies, which seems a little bit odd. City Attorney Willard stated that it is only for the board meetings, not a hearing. Councilmember MacGinnitie stated that the policy also provides they are only allowed to look at complaints from one year prior. He would not be in favor of this provision.

Mayor Galambos questioned if there was a model the City is using. City Attorney Willard stated that staff has looked at the City of Atlanta and City of Alpharetta's policy. Mayor Galambos questioned if the State was contemplating some additional requirements on local governments. City Attorney Willard stated that is a possibility but does not think that it will go that far.

Councilmember Meinzen McEnery stated that Article 2.5, Removal of board members reads; "a board member may be removed for a stated cause by the affirmative vote of the City Council. A member who does not attend or submit a proxy for two successive regular meetings may be removed from the board." She questioned why it does not say it in the affirmative. City Attorney Willard stated that it leaves it open for the Council to hear the purpose of the members absence.

Mayor Galambos stated if staff could find an answer to the issue that Councilmember Fries brought up, Council will consider it at the next meeting.

Discussion of an Ordinance banning cell phones in school zones.

City Attorney Willard stated at Councilmember Paul's request, a draft has been prepared that will ban the use of cell phones in school zones during the hours posted in school zones. If approved by Council, Public Works will need to put up appropriate signage in those areas to warn the public that cell phone use in school zones are a violation of the City's ordinance.

Councilmember DeJulio questioned how the police department would enforce the ordinance. Councilmember Paul stated he has had conversations with the Resource Officers from two of the schools who feel like they are putting their life on the line while directing traffic. Riverwood High School has had four officers quit because people that were on cell phones were driving past them and not paying attention. It may not be enforced every time but the fact that people are so focused on talking on the phone are putting police officers and children's lives at risk. The City needs to send a message that this can not be tolerated.

Councilmember Fries questioned if the person could be cited for reckless driving. Major Bertrand stated the person could be cited for disregarding a police officer directing traffic. If the person is driving through the zone and the officer is on foot and tells them to stop, most often the person will continue driving. The officer is not going to get in their

personal car and chase after them. Councilmember Fries suggested that a police officer from the City be on site. She is hesitant to make another law in the City that would be difficult to enforce.

Mayor Galambos questioned Councilmember Paul if he would be amenable to a program where the City has unannounced spot enforcement.

Councilmember Paul stated that he would like for the Resource Officers to meet with Council to discuss the situation. He would support additional enforcement if the police department would be willing. If the police department would meet with the resource officers and work out some other solution, he would be amenable to that.

Mayor Galambos stated that Council is in favor of promoting more safety and security and it is a question of the best way to do so.

Councilmember Paul stated that he is concerned about the safety of the officers and the children and would like for this ordinance to pass.

Councilmember Meinzen McEnerny questioned if other city's have an ordinance prohibiting cell phone use in school zones. She would like for staff to research other jurisdictions.

Mayor Galambos questioned if Councilmember Paul would get the communication going between the police department and the resource officers to come up with a solution. Councilmember Paul stated that he would and if they can come up with a better solution, he is all for it.

Councilmember Jenkins stated that there are some problems between the school resource officers allowing our Sandy Springs Police Department into the schools. She is not in favor of regulating the ordinance.

Mayor Galambos stated that she would like for staff to report back to Council on this matter at the March 4, 2008, meeting.

Discussion of a draft RFI for City Hall.

City Manager McDonough stated that the cover memo in the Council packet outlines the framework for the discussion this evening, included is a draft Request for Information for a municipal complex project. Last Spring, Council charged the Long Range Facilities Task Force Committee with providing recommendations on what the City is going to do with its facilities in Sandy Springs going forward, including City Hall, Police Department and Municipal Court. Council has heard the recommendations and has had a lot of discussion about redevelopment along Roswell Road over the course of the past year. Staff is trying to find a permanent place for the City's Police Department. There are a lot of things happening right now and based on his conversations with several members of Council, staff felt it was a good time to bring forward a recommendation to solicit information from the development community to jumpstart redevelopment in Sandy Springs. Based on those conversations, a draft has been put together essentially seeking a partnership with the development community based on certain criteria. Staff would like to get Council's feedback and direction that would basically allow for a City Hall to serve as an anchor tenant in a redevelopment project. Not a standalone project but part of a larger redevelopment project and all the benefits to the public as well as the private sector.

Councilmember Fries question if the information would be received back in the right time frame. City Manager McDonough stated that his initial intent was to try and have information back for Council for budget discussion; resources may need to be allocated.

Mayor Galambos stated that it would be good to have as much information back to Council by budget preparation. We are torn by two dates, proposals need to be back by budget time, and May is the proposal time period. She questioned if there is a way to move budget preparation to the middle.

City Manager McDonough stated that May is a realistic timeline for someone to submit a general outline of their proposal.

Councilmember Paul questioned how detailed the proposal is and if the City was expecting the developer to have the land when submitting the proposal. City Manager McDonough stated that is in the agreement. Councilmember Paul stated that one thing that is crucial to this is that the City's process is fair. Realistically, that would mean they would need to own the property today. That would preclude some people from having a reasonable time to do that. He believes 120 days would be adequate and 90 days is too short. He would rather the City have a process that is right rather than rushed. City Manager McDonough stated that if another 30 days was added, it would bring it to mid June and the budget still will not be finalized. Staff will set the final approval of the budget at the end of June.

Councilmember DeJulio stated that if it was not done by budget time, contingency could still be put in the budget to work toward this process and get it started. He does not believe that not having it done before budget time is all that critical. We may have to extend it in order to give everyone a fair chance.

Councilmember Paul stated that there is a high degree of flexibility in this and we still need to move expeditiously. He feels that 120 days gives everyone a reasonable period of time. If someone has a plan that the City really likes and need more time to get the land, the City can extend it.

Councilmember Meinzen McEnerny stated that she agrees with Councilmember Paul regarding having a fair RFP process. Shortening the time frame may give some developers a perception that they have an advantage over others. One of the bullet points on page 2, of handout, states "The municipal complex is intended to serve as an anchor to a larger redevelopment project. There is no interest in a redevelopment which only serves the City's space needs. An emphasis should be placed upon redevelopments which will be a catalyst for future redevelopment in the larger surrounding area. Although there is no specific target, the redevelopment project must generate an equivalent or greater investment in nongovernmental space." This is going to be a very long term and important decision for our community. By requiring that our City Hall be a part of a larger complex, limits the choices for our long term City Hall. She can envision a site in which City Hall will be the only facility. It will stimulate development in all the parcels that surround it that are not a part of the site. This has happened in other cities, Suwannee and Roswell. She stated that during the Comprehensive Land Use process she heard a number of people's ideas on how they envisioned the City.

Councilmember Jenkins stated that is exactly what she would like to see. Smyrna did this and it completely revitalized the whole area. City Hall was put with all the retail shops and has kicked off development for everything in Smyrna. She would like to see this in Sandy Springs.

Councilmember Fries stated that this is only an RFI, Request for Information. It will not obligate the City in any way.

Councilmember Meinzen McEnerny stated that the City could still have redevelopment across the street and have the City Hall building on a separate piece of property. She does not believe the site is large enough to be the key kick off and anchor. Councilmember Paul stated there is nothing that precludes somebody from going out and obtaining control over a significant percentage of property to have this done. The most cost effective way is to get it as part of a larger project and develop it so that the cost to the City is lower. Secondly, it will prevent the City from taking the taxpayer dollars and funding upfront. It is a more frugal use of the resources for the City. Councilmember Meinzen McEnerny stated that if the bullet point she read into the record was not in this RFI then it would truly be an added advantage for people to come up with this site.

City Manager McDonough stated that revisions would be made and should be ready to go at the end of the week.

Update on Tennis Center improvements.

Assistant City Manager Rapson stated that all three of these projects were funded in two components; General Fund and Capital Fund. The Tennis Center was budgeted in the General Fund for \$75,000. The City spent \$58,000 of the budget in Phase I. Improvements consist of: all court lighting systems and entire parking lot area, exterior of building pressured

washed, replaced and fixed elevator, room screens, new alarm system, debrillators, portable sound system, locks, HVAC and miscellaneous repairs. Phase II is budgeted in the Capital Funds in the amount of \$225,000. These funds replaced HVAC systems on all levels, replaced entire roof, repaired fencing and gate for the entire court area, fixed all tile work, and trimmed all trees around tennis courts and all light bulb replacements. The Tennis Center has adequate funding to cover all of the items that Art Schultz requested. Staff has asked Ivo Barbic to provide a list of his needs as well because of the \$16,000 that is left in the General Fund is under the Parks Director and Mr. Barbic's direction in regards to how it is allocated. One of the big things they would like to do is a complete retrofit of the interior part of the center and will be part of Phase III.

Mayor Galambos questioned if Mr. Schultz request of redecorating would fall under the Capital budget. Mr. Rapson stated that Mr. Schultz is talking about putting walls up; replace furniture and fixtures in the building.

Assistant City Manager Rapson stated that Hammond Park has \$20,000 budgeted in the General Fund which is primarily to put in an alarm system, gymnasium lighting, basketball and gym repairs. Debrillators were installed and work was done on the ventilation system associated with the HVAC. The only thing done at this point in the Capital Fund is the installation of a water fountain, additional trimming to trees around the courts, fencing and parking areas. In addition, staff is putting out an RFP in regards to a Master Plan for the entire site.

Mayor Galambos advised staff that the plumbing needs a great deal of work. Councilmember Jenkins stated that the toilets in the women's bathroom were overflowing at the same time.

City Manager McDonough stated that most of the funds allocated in the budget will be spent. The RFP for the Master Plan will cost close to \$70,000 to \$100,000. Another proposal for reprogramming will come before Council later this evening. There is an adequate amount to serve the needs that the community needs over the next five months of this fiscal year.

Councilmember Meinen McEnerny stated that she is very supportive of adequately funding the City parks. She would like for Council at the next budget year to look at having capital dollars spent at Big Tree Forest Preserves in the area of tying the existing building into the sewer and the installation of bathrooms or a pavilion. The City could enhance the parks use if additional capital money were to be spent on it.

Assistant City Manager Rapson stated that Morgan Falls Park had \$7,500.00 budgeted in the General Fund. These funds were spent on repairing the football field in addition to putting in the standardized park benches and other things seen at parks. There is \$300,000 allocated in the Capital Fund, plus an additional \$74,500 allocated toward the Master Plan which is currently underway. The remaining \$225,000 is allocated to install lights in the lower field of the park and the work is being done at this time. The General Fund budget is spent first because those dollars are one year in nature and then go away. The funds in the Capital Fund will remain toward the projects allocated as it is in the budget unless Council redirects it.

Councilmember Jenkins questioned the amount of money that is allocated to help out the Sandy Springs Youth Sports.

City Manager McDonough stated that the cost is somewhere in the neighborhood of \$50,000 to \$70,000 a year on capital improvements to the facility. Councilmember Meinen McEnerny stated that the City is also paying the utility bill at Morgan Falls. The cost of the lights is approximately \$240,000 a year and not reflected in the allocated funds.

Discussion of False Alarm Ordinance

Major Bertrand stated that the False Alarm Ordinance before Council tonight is written by the IACP, International Association of Chief of Police. It is a model policy that they have investigated and has been legally tested. There is a problem in the City with these alarms. Last year, the police department answered 10,790 false alarms and only 82 were valid alarms. The breakdown of alarms per month is about 899 alarms, taking three (3) full time officers, 24/7 year round answer these alarms. One (1) out of ten (10) officers has to call for back up to respond as well. These calls also create wear and tear on City vehicles. This accumulates about 15% of the overall call volume on a normal month which is a lot of false alarms. This is all wasted police services benefiting alarm companies. The average response time is 30 minutes to an alarm.

call, totaling 5,395 man hours wasted per year on false alarms. In the months of June, July, August and December most jurisdictions false alarm rates go up about 20% and this is because children are home. The alarm responsibility is a big waste of man hour allocation in any jurisdiction and needs to be addressed either through this policy or drafting of another policy. The down side of having this ordinance in place would be the need of hiring an alarm administrator. Someone would have to administer these false alarms and would have to track them as well as keeping them registered. The alarms could be registered on the Police Departments website which will be on line May 30, 2008. Council would need to make the decision of whether or not to charge a fee for registration. He does think charging a fee is the way to get compliance. If the City charges for this then the officers will have to track them down to comply and creates more wasted time for the officers. The City would also need an alarm appeal person and could create a board or the Chief could assign one person. Next, the department would have to set up a training facility where alarm violators can either accept two hours of training or a fine on a one time basis. There are a lot of thought processes regarding alarms and out west after the first alarm some departments will not answer another alarm at that location. Some cities attach the alarm companies because they on the ones benefiting off the taxpayer's dollars. The alarm company sets up a system and then the taxpayers pay for their system by sending police officers out to check the alarms.

Councilmember DeJulio questioned if the department had a way to track the number of false alarms the City receives and how many are repeated alarms. Major Bertrand stated the departments Records Management System (RMS) should be ready to use on March 15, 2008. The software the department has is called "Cry Wolf" and compatible to what Fulton County has so that they will be able to retrieve the information for us. Fulton County will send the information to the department by email and staff will then download it in the RMS and will track everything, multiple offenders, how many time officers have been called to location and so forth. Once the City has its own 911 System the department will be able to pull the information from the CAD System and will no longer need Fulton County to do it.

Councilmember Fries questioned the second biggest reason alarms go off. Major Bertrand stated that the biggest problem with the alarms is people's lack of knowledge of it when they purchase the system and are not trained on it. Councilmember Fries stated that people should be fined heavily for this and that the proposed fine amount is not enough. She is concerned with the tracking of the people putting in new systems. She is not comfortable with some of the verbiage in Section 6: Enforcement of Provisions, where it says "Discontinuance of law enforcement response. Major Bertrand stated that of that is if an alarm goes off and an officer makes a call and can not verify it. She understands the situation but does not like the verbiage.

Councilmember MacGinnitie stated that he would prefer to find the least bureaucratic way and put as much of the burden on the homeowner or the citizen as possible and get rid of the registration and fees associated with it. Should the false alarms continue to be a problem then they should have to pay a fine.

Fire Chief McElfish stated since July 1, 2007 to present the Fire Department has had 506 false alarms, being a total of 84 false alarms a month, and 1,000 false alarm calls in a one year time period. The City's fire trucks are taken out of service for these types of calls. He suggested that the alarms companies be held responsible and be the one to register the business and homeowner customers. If there is a problem with their system then they would be the one to go back to the owner, not the City. These companies are located out of state and are making a lot of money and never put anything back into the community, yet use the City services. The company would be notified about the false alarm and fined. It would be the company's responsibility to speak to the owner's about the problem.

Councilmember Jenkins stated that the fines needed to be higher because the alarm companies would not care if they are fined. Councilmember Paul stated that the problem would be handled much more quickly if the alarm company was held responsible.

Major Bertrand stated if the City goes after the alarm company there will be a lot of homeowners that think they have an alarm system and they do not. The City would take up the liability of these people getting hurt by putting the company out of business.

Councilmember Meinzen McEnerny stated that the City could get into a position where a number of security companies may withdraw from this market then the homeowners would not have the service. She feels there is a compromise similar to the one with the tree cutters. Have the companies come in for training and after that if they are found in violation bring them in a train them and give them the rules and then if they get a violation they are fined. Training will include notice to the owners that they will be responsible for the fine.

Councilmember DeJulio stated that he does not see why people would have to register and let everyone know they have an alarm. The fact of whether or not the City knows if someone has an alarm or not does not matter because public safety will still answer the call. He believes that the owner of the false alarm should be fined and not the company and has no problem with charging for false alarms. It should be treated the same as receiving a traffic ticket and if payment is not received then issue a bench warrant or jail. Major Bertrand stated that this would be a civil offence.

Assistant City Attorney McLendon stated that under the definition of the false alarm, if that response was cancelled by the user prior to the arrival of the police then it is not considered a false alarm.

Councilmember DeJulio questioned how it would be enforced due to non payment. Assistant City Attorney McLendon stated that the section in this ordinance sets it as a civil fine and that is predicated on there is cost associated with responding, which would give the City a basis, a concept if the City were to raise the amount substantially over what is in this ordinance, it may need to be classified as a criminal offence because it would not have to be tied to a cost, it would be more punitive. He would want to research the issue on whether it would become at some point a criminal offence as opposed to a civil offence.

Mayor Galambos explained that Council feels that it is the responsibility of the home or business owner's responsibility.

City Manager McDonough advised staff that more work is needed on this ordinance.

Update on Citizens Call Center Response Process

Director of Administrative Services Horn gave the following presentation.

Type I: Work Request - General: These types of Work Requests are sent to the Call Center where the request is assigned to a city work unit and it is entered into the tracking system.

Examples are:

- Code enforcement & development issues on private property
- Graffiti, temporary signs (public rights of way & private property)
- Trash (public rights of way & private property)
- Street repairs, potholes, etc.
- Traffic signal problems
- Street signs damage or replacement
- Sidewalks, curbing and similar issues
- Drainage & flooding issues
- Storm damage, trees and debris on the rights of way

Type II: Work Request - Follow Up: If a Type I Work Request is not handled in a timely manner or does not receive a proper response, the elected official should contact any of the following:

- City Manager
- Assistant City Managers
- Department Directors

Type III: General Information Inquiries:

When an Elected Official has a need for general information about City issues, he/she should contact the appropriate city official. These inquiries include ordinances, status of projects, zoning conditions, city programs, clarifications about policy and practices and similar items. These contacts include the following key officials.

- City Manager
- City Attorney
- City Clerk
- Assistant City Managers
- Department Directors

Community Development: Work request provided from Call Center and given internal priority classification. The department received 20,107 total calls (inspections, code enforcement, etc.) in 2007.

Priority 1 – Immediate Response

Issues to be addressed immediately include anything related to public health/safety such as blocked streets or serious environmental issues related to erosion control and stream buffers. Some rubbish or housing issues may fall into this category.

Priority 2 – Response in 48 Hrs.

Issues which do not pose an immediate public health or safety issue. Most of these can be addressed during the normal course of an inspector's routine calls.

Public Works Department: Each work order is assigned a Priority Code at the time it is created.

Priority 1 – High Safety: Immediate Response Required

This occurs when a stop sign is knocked down or missing, traffic signals are not functioning, a tree has blocked traffic, etc., or other urgent safety impact.

Priority 2 – Medium Safety: Response in 72 Hours Required

This occurs when a pothole is in a high traffic lane or intersection, other regulatory traffic sign, etc., or other medium safety impact issues.

Priority 3 – Standard Short-Term Response: Response in Seven to Ten Days after Contractor Receives Work Order

Standard response for items such as other potholes, vegetation trimming, etc., that have low safety impact.

Priority 4 – Scheduled Maintenance Response:

This response is used when the weather or other conditions limit maintenance material availability and/or to consolidated work efficiency items such as minor sidewalk and curb repairs.

Councilmember Meinzen McEnerny requested a copy of the Call Center Flow Chart.

Discussion of an ordinance to amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance.

Planner Ruffin stated that the first two items are text amendments that will come before Council at the next regular meeting. This is an amendment to Article 3, Definitions, of the Sandy Springs Zoning Ordinance. The proposed amendments are: Check Cashing Establishment, Flag Lot, Grade Plane, Height Residential, Height Commercial, Laundries, Pawn Shop, Seasonal Business Use and Shopping Center. The amendment was heard at the January Planning Commission hearing. The Commission recommended deferral of the amendment to allow more time for them to make further changes. Council has the

option to approve what staff is presenting now and Planning Commission can come back with their additional changes at a later date.

Mayor Galambos stated that Council needs a definition and explanation for "height" before voting on it.

Councilmember Meinzen McEnerny stated that in the definition of Grade Plane, six (6) feet is not enough and more research is needed for the appropriate measurement level.

Assistant City Manager Crace stated that this item needs to go back to staff in order to develop it more and draw up illustrations so everyone can understand.

Councilmember Meinzen McEnerny stated that Pawn Shops sell unredeemed pawn items and should be included in the definition.

City Attorney Willard stated that the definition and control of a pawn shop is not the same as an ordinance known by state law. He will provide the wording for her request.

Councilmember Meinzen McEnerny stated that the Flag Lot Ordinance the City adopted stated that all of the stems had to be 15 feet at the street. This needs to be added in the definition.

Discussion of an ordinance to amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance.

Planner Ruffin stated that staff is recommending two changes to Article 4, General Provisions. First it addresses the Flag Lot Ordinance. When the original ordinance was adopted, direction to staff on how to determine the setbacks for flag lots that already existed were removed as a part of the ordinance. Staff is requesting that those requirements be put back so there will be clear information to let property owners know where their setbacks are. The second item in this text amendment is to address the cemetery protection issue where the City has the moratorium which is expiring soon.

Councilmember Meinzen McEnerny stated that the definition of a flag lot -needs to state that "the flag lot stem should not be less than 15 in width for the entire length of the stem." The biggest problem is with the cemetery ordinance. There are two situations at which this cemetery protection applies. It applies to a cemetery within a parcel and applies to a cemetery that is adjacent to a parcel being developed. She suggested adding the O.C.G.A. code of the state. In Section D. of the ordinance it should say in the second sentence; "the tree protection fence shall be located along the 25 foot undisturbed buffer and not along the common property line".

Planner Ruffin stated that staff could make these changes. The Planning Commission recommended that staff take another look at E., F. and G. and come up with different alternatives.

Discussion of Impact Fees.

Deputy Director of Community Development McNeill stated that at City Council's direction, additional analysis on the fee methodology related to creating two service areas in Sandy Springs was completed by Jacobs, Carter-Burgess

staff, and presented to the advisory committee on January 29, 2008. The Advisory Committee recommended that the Mayor and Council have maximum flexibility in the identification of areas where economic incentives may be offered to encourage growth and redevelopment. The committee also suggested that Land Use Nodes 1-14, as shown on the adopted Future Land Use Map, be considered logical areas along the Roswell Road corridor where such economic incentives might be considered, with special sensitivity being given to the commercial impact fee, and its potential impact on encouraging redevelopment when compared to the commercial fees assessed by surrounding jurisdictions.

Advisory Committee Member Patrick Dennis stated that impact fees help with the cost of infrastructure improvements. The committee wanted to keep the fees at a reasonable amount. The committee recommends to Council that eighty (80) percent of the fees collected would go toward transportation infrastructure improvements.

Councilmember Jenkins stated that she would like Node 11 removed from the incentive map. She is currently working with MARTA and ARC to come up with a micro master plan for that area.

Councilmember Meinzen McEnerny stated that she would like all of the Nodes south of 285 removed from the incentive map.

Mayor Galambos stated that the City sent in suggestions of possible incentive areas and questioned if that would constitute the Council's adoption of these areas as incentive areas. Mr. Dennis stated that it means the City is retaining discretion so that every time a zoning comes through in one of these nodes, the Council will not only be rezoning but also deciding what impacts are taken. Mayor Galambos stated that Council would decide on each one and feels that the city will be accused of favoritism. Councilmember Jenkins and Mayor Galambos stated that they would like the map taken out of document.

Councilmember Jenkins stated that in Section .21.9 (b) - Exemptions, it states that economic development projects may receive a 25% exemption from the payment of development impact fees, hereunder. She would like to have a little more discretion than 25% and questioned if that was permitted under the law to waive all of the fees. She would like to have some type of flexibility and not tied to a certain percentage. She would like for it to be left open and state "as determined by Council". City Attorney Willard stated that it could be at the discretion of the Council.

Councilmember Paul stated that on a case by case basis, Council would always have the ability to waive the fee to some degree. City Attorney Willard stated that the ordinance needs to have that language in it. She has a concern with giving a developer credit for the four (4) mills plus refund ability. She questioned if PCID was getting credit for the four (4) mills. Councilmember Jenkins stated that she would like a work sheet done similar to the one that was done for Sembler. She wants to be sure the City does not end up in a situation on a vacant piece of property in the PCID between the credits and the refunds that we pay someone to develop there.

Mayor Galambos stated that Ms. Leathers told her yesterday that this revenue source did not refer to the four (4) mills. She would like for that language to be taken out.

Donna Gathers stated that the committee felt that incentives are needed for the places on Roswell Road that need to be redeveloped and that is the reason they put the incentives in for the town center and the nodes. The committee is not in favor of individual discretions and having impact fees negotiated on a case by case basis.

Councilmember DeJulio questioned if the committee felt that the impact fees would be of such substance that negotiating or discounting an impact fee would be the difference between a developer redeveloping a piece of property and not. Ms. Gathers stated not at the current level they are set at. It is a signal from Council that the City is serious about encouraging redevelopment at the nodes and in the town center.

Mayor Galambos stated that it is clear in the City's Land Use Plan that if a developer assembles five (5) acres or more Council would consider a higher density. This seems to be a good incentive.

Ms. Gathers stated that it could be more flexible and encouraging instead of just negotiating.

Mayor Galambos and City Council decided to leave the "discretion" in at this time. Mayor Galambos stated that there would be no favoritism and everything would be open and above board.

Deputy Director of Community Development McNeill stated that Alpharetta established their Impact Fee Program in 1993, and have done this type of project for economic development and job creation only one time. Alpharetta makes developers come to council and justify how they meet that definition.

Mayor Galambos questioned if staff was able to get a copy of Fulton County's Impact Fees. Deputy Director McNeill stated that he had not but would. Mayor Galambos stated that Council would like to know where the City is now in relationship to where the City was with Fulton County.

Update on CDBG and Section 108 Loan program.

Deputy Director of Community Development McNeill stated that the City was notified by HUD that Sandy Springs had been officially designated as a CDBG Entitlement grantee. The 2008 allocation letter was received on January 17, 2008, indicating the City's FY 2008 CDBG funding would be \$540,908 for the first year.

Staff will have to put together a Consolidated Plan which is tailored toward five year goals or a CDBG program. It is a way of documenting needs in the community and gives the will then measure the City's progress on achieving those goals each year based on that document.

The Consolidated Plan is due at HUD on July 1, 2008. The regulations are very specific about the kind of information that goes into the consolidated plan and public input is important. Two public input meetings and two public hearings will be held during the development of the Consolidated Plan to ensure the City complies with the federal regulations. A schedule for completing the public comment meetings needs assessment, advertising public hearings included in Council's packet. This plan will come back to Council in late June for adoption prior to July 1, 2008.

As part of this item, Section 108 Loan Program allows cities to borrow up to five times its most recent CDBG allocation which is about 2.7 million based on the 2008 number, with a maximum repayment period of twenty years. Many cities use this money for infrastructure, target areas where you can qualify the projects. Included in Council's packet is a map that shows the census block group that HUD Headquarters gave the City data on the population in these areas and any project done in this area; streets, sidewalks, street lighting, water lines, sewer lines and anything that qualifies for infrastructure meets what is called Area Benefit Requirements and can qualify the projects very easily. HUD issues debt in order to raise a large sum of money to make available for these types of projects if that is what Council's wishes to spend their money on.

Staff has confirmed with HUD that Sandy Springs may apply for Section 108 Loan and would like Council's direction as to whether or not the City wishes to participate in the program.

Mayor Galambos question how long the City would have to spend the \$540,908 while deciding on the 108 Loan Program. Mr. McNeill stated that HUD looks at what the City has in its treasury account and makes sure there is not more than 1.5 years allocation sitting there.

Update on Morgan Falls Phase I Improvements

Assistant Director of Land Development Dettwiler stated that Phase I of Morgan Falls Improvements deals specifically with the Morgan Falls Dog Park. The application for land disturbance permit and initial submittal for development plans was submitted to staff on January 18, 2008. The review has been completed and comments were sent out on January 31, 2008 to the SE Shield engineering firm. Staff expects to receive the re-submittal of those plans within a week. The comments that went back to SE Shields related mostly to egress at the site and compliance with ADA requirements. The paperwork was forwarded yesterday to the Army Corp of Engineers to transfer the existing dock permit at the site from Sandy Springs Conservancy to the City of Sandy Springs. Staff also requested a 180 day life extension on the permit which will push us to October 30, 2008, to complete the installation of the dock. Based on where staff is with permitting and plan review now, estimates about 60 days to ground breaking.

Councilmember Meinzen McEnerny questioned what the construction time frame is and when the facilities would be open. Mr. Dettwiler stated that staff would have to look at the final approved plan before he could answer. After staff completes this process it has to be sent to the State for approval.

Discussion of Authorizing the Mayor and the City Council to Approve the Appropriation of the Property Located at 6615 Brandon Mill Road through the Use of Eminent Domain.

Director of Public Works Parham stated that this is a request to move forward with eminent domain to acquire property at 6615 Brandon Mill Road. Negotiations have reached an impact on this property. This property was deemed necessary for acquisition as part of the Abernathy Road Linear Park.

Councilmember MacGinnitie stated that he would like to know the bid price on the property. Ms. Parham stated that she could provide that information to him.

Assistant City Attorney McLendon stated that all of the parcels had to be appraised and once the appraised value came back, state law requires the City to offer the appraised amount. At that point, discussion and negotiation takes place. It is a discretionary evaluation of the offer and the amount that is on the table to determine if we need to move forward in a condemnation. The City will give the appropriate appraised amount. It was determined to be a fair market value and have worked in good faith and have been able to settle a number of these.

Discussion of Authorizing the Mayor and the City Council to Approve the Appropriation of the Property Located at 211 Abernathy Road through the Use of Eminent Domain.

Director of Public Works Parham stated that this is a request to move forward with eminent domain to acquire property at 211 Abernathy Road.

Presentation of Sidewalk Policy revisions and Master Plan.

Transportation Planning Manager Coleman gave the following presentation.

Sidewalk Policy

- Policy is divided into three sections
 - Capital Improvement Program (CIP)
 - Development Requirements
 - Neighborhood Program

Sidewalk Policy – Capital Improvement Plan (CIP)

- CIP funding for projects in Master Plan network
 - 2008 focus – Public School connectivity
- Master Plan network is a tool to prioritize
- CIP funding sources to include
 - City funds,
 - Transportation Enhancement grants,
 - Impact fees,
 - Community Development Block Grants,
 - Livable Center Initiative funds, and
 - State Safety Action Plan grants

Sidewalk Policy – Capital Improvement Plan (CIP)

- Sidewalk Master Plan part of the Comprehensive Transportation Plan (CTP)
- Project evaluation criteria:
 - Safety needs
 - Proximity to public schools, parks, transit, and other pedestrian destinations
 - Functional classification
- Tool for Developer regulation
- Tool for CIP projects

Sandy Springs Multi-Modal Transportation Plan

- Maps
 - Walking Distance to Public Schools
 - Walking Distance to Parks and Libraries
 - Pedestrian Needs Areas
 - Walking Distance to Transit Routes and Stations
 - Future Pedestrian Facilities

Discussion:

Councilmember Meinzen McEnerny questioned why Chastain Park was not included. She suggested that another one half area boundary adjacent to Chastain Park be included in the study.

Sidewalk Policy – Development Requirements

- Development projects are required to install sidewalk along frontages
- Projects not on the Master Plan network can pay in lieu
 - Calculated on per linear foot
 - Are held in an separate account for use in CIP projects
- Hardships handled on a case-by-case basis with Director

Discussion:

Mayor Galambos questioned that if the policy is approved by Council next week, would developers be required to start putting sidewalks in front of the houses they build. Director of Public Works Parham stated that the developers would be required to put a sidewalk in or put money in the sidewalk bank.

Mayor Galambos stated that the City would be able to collect funds if the following verbiage was added to the policy "Development projects on arterial or collector streets are required to install sidewalks. Development projects on other streets will pay into a development fund".

Councilmember Meinzen McEnerny stated that any tree that is impacted by the sidewalk should be considered a hardship. She has seen where a developer put a boardwalk around a tree in order to save it and still had pedestrian access.

Councilmember Fries stated that trees in the right-of-way would most likely tear up the curb and sidewalk with its roots. **Director of Public Works Parham** stated that is a possibility and some communities use a rubber type flexible material over the roots that allow safe access and protect the tree roots. The City Arborist would have to evaluate it.

Mayor Galambos stated that sidewalks are being built all over the metro Atlanta area that is not the standard five (5) feet wide. She questioned if it was necessary to have wide sidewalks on streets that do not require them.

Director of Public Works Parham stated that the departments always try to make the standards match the current requirements for the American with Disabilities Act. Mayor Galambos stated that other city's and county's are doing it, and getting away with it. She asked staff to research other cities and counties to see how they handle it.

Sidewalk Policy – Neighborhood Program

- Community driven program
- Requires community participation
 - 65% “yes” vote on petition
 - 25% cost share
- Request handled in a first-come, first-serve basis, with multiple requests being prioritized by rank
- Funds are separate from CIP project funding

Discussion:

Councilmember MacGinnitie questioned if the City allocated any money for the projects of the neighborhoods shown in red on the map, and if not, why the City has this policy. Mayor Galambos stated the neighborhoods would not be asked to pay for sidewalks on the main roads, but only pay for the interior sidewalks. Councilmember Fries stated that she does not want the neighborhoods to think this is going to happen soon.

Councilmember Meinzen McEnerny stated that one of her constituent's street, Dudley Lane, complied with the policy and does understand that the City did not budget any money for this. The aim of this is to get the community connected with sidewalks. The City should budget money for these projects rather than eliminate the neighborhood sidewalk policy. There are over 14 private schools within the 30327 and 30342 zip codes, which is south of 285 and includes City of Atlanta. She would like extra credit given in the program if the area is within the public and private school area. She believes that if the neighborhood is willing to come up with their share of the cost they should have access to the private schools as well. Dudley Lane has agreed to pay 25% of the cost and is now waiting for the City to allocate its share of the funds.

Councilmember Jenkins stated that she voted against this policy last year. The City would still have to pay 75% of the cost. There are other places in the City that need to be paved before Dudley Lane.

Councilmember Meinzen McEnerny stated that she would like to get consensus from Council to include the one half mile from Chastain Park in the boundaries of Sandy Springs. (Page 6, Walking Distance to Parks and Libraries, Chastain Park was eliminated) Councilmember Fries questioned Roswell Park being included. Councilmember Meinzen McEnerny stated that the aim is to get people safely to the places that they use. Mayor Galambos asked if there was a consensus to add a half mile radius for parks that are adjacent to Sandy Springs boundaries. Mayor Galambos stated that given the status of funds the City has for sidewalks and all the needs the City has in the program she does not believe Chastain Park should be added. There was no consensus from Council.

City Manager McDonough recommended that the City not accept any petitions for this program until the City has funds.

Councilmember Paul stated that it would make sense to table this aspect of the City's policy and, reconsider it at some point in the future when the City has the ability to help with the cost.

Councilmember Fries stated that staff should tell everyone that the City does not have funds and does not anticipate having funds anytime soon for this type of project. Their name would be added to the list and when the City is ready to move forward the City would contact them. Mr. McDonough stated staff could do that.

Discussion of Authorizing the City Manager to Sign the Advanced Traffic Management Center Contract for Project (T-9401).

City Manager McDonough stated that in the FY-08 budget process staff identified three priority areas under transportation and making transportation improves across the city. The Traffic Control Center and the synchronization of the traffic signals and the camera system would allow the City to monitor traffic flow was included. Staff budgeted \$1 million dollars for this purpose. The recommendation before City Council is significantly less than \$1 million dollars to implement this program. It is staff's recommendation that Council go with staff recommendation and allows staff to move forward in support of the City's priority transportation projects.

Mayor Galambos questioned that if the traffic backs up at a particular light, the center will sense the back up and change the light automatically.

Traffic Service Manager Messer stated that the type of system that is going in now will be a non responsive. Staff will have to see it and make changes at that time. Once the fiber and the center are in, the City can look at being traffic responsive.

Councilmember MacGinnitie questioned if the Spalding and Roberts intersection was on the list. Mr. Messer stated that it would be.

Councilmember Fries stated that a bad wreck happened on GA 400 and Roswell Road last week. She questioned what the City could have done had this system been set up.

Traffic Service Manager Messer stated that in working with Roswell, Alpharetta and Milton there is an ATMS project that is inline where there will be committees that can communicate with one another. When Georgia 400 or 285 back up t committee will implement certain plans to move the majority of traffic out.

Discussion of Traffic Calming Policy.

Discussion of Traffic Calming Devices in the Meadowbrook Neighborhood Pursuant to City's Traffic Calming Policy.

Public Works Director Parham explained that this project began before the City was incorporated. The neighborhood had asked the developer of the Walgreen's for some assistance. They were concerned about the amount of traffic cutting through their neighborhood. Walgreen's executed an agreement with the neighborhood stating that Walgreen's would install up to \$15,000 for traffic calming or monument signs. It was agreed that this would be done prior to the issuance of a Certificate of Occupancy for the Walgreen's.

Mayor Galambos questioned if staff felt these traffic calming devices were needed. Ms. Parham stated that the request meets two of the three criteria. They do not meet speed limit overage requirement.

Mayor Galambos questioned if the \$15,000 would cover the cost of the three traffic calming devices. Ms. Parham stated that it would cover the cost of three. She also requested that the traffic calming devices be speed cushions as approved by the Public Works staff and Fire Department staff.

Councilmember DeJulio stated that an agreement was made in this case prior to incorporation of the City. The County approved the zoning. He questioned what harm these speed humps would be on this road. They are being done at no cost to the City.

Councilmember Jenkins stated that she feels this is against the City's policy, and is not fair to other neighborhoods that a held to the policy.

Councilmember Fries stated that this will set a precedence of not following approved policy.

Councilmember Meinzen McEnerny stated that this legislative body should not waive the policy provisions in a discretionary manner.

There was a consensus that the traffic calming devices be placed in the Meadowbrook Neighborhood using the \$15,000 put forward by the developer. No city funds will be expended on this project.

Discussion of traffic mast arms on state routes.

Councilmember Fries explained that the intersections on Roswell Road have a standard green mast arm. She stated that Fulton County's standard is the galvanized metal mast arm. She stated that contractors need to be made aware of the City's overlays and the standards approved in the City so this mistake does not happen again.

Staff was directed to include this in any future contacts.

Discussion of programming at Hammond Gym.

Councilmember Jenkins explained the existing uses and revenue generated at Hammond Gym. She suggested that the gymnasium be used for gymnastics and the basketball and volleyball leagues be moved to another location. She stated that she has spoken with Rev. Kelly Barge at Sandy Springs United Methodist regarding using the Hitson Center. Negotiations are ongoing.

Assistant City Manager Rapson stated that there is funding available in the Capital budget to cover the cost of the equipment.

Council expressed concerns regarding the lack of a Recreation and Parks Director.

Discussion of re-scheduling the May 13, 2008 work session.

Mayor Galambos stated that this is the same date as the fundraiser for Children's Healthcare. She stated that this is being done because this is a major institution in this community and meeting dates are not light-heartedly changed.

Councilmember Fries questioned if the November 4 meeting could be cancelled or moved. Mayor Galambos suggested that the agenda for the November 4 meeting be kept short.

Discussion of policy for number of uses included in mixed use development.

Councilmember Meinzen McEnerny stated that the Community Development Director has requested direction from Council regarding recommendations to applicants applying for a rezoning within the mixed use districts based on the size of their parcel and the required mix of uses. She stated that the Director feels that the current Comprehensive Land Use Plan Policy specifically addressed when to state that the application complied with the Comp Plan. She would like to give staff direction in this matter related to the requirement of certain minimum sizes to contain at least two (2) of the mixed uses and not leave it up to staff to waive the number of mixed uses because it is a "small" site as was done on the northeast corner of Northwoods and Lake Forrest recently. She stated that this mostly deals with the Roswell Road corridor.

Councilmember Meinzen McEnerny stated that she would like to encourage assemblages.

Mayor Galambos stated that she reviewed the Comprehensive Plan and found one direct reference to this. It is in the Town Center and reads "While the development of a mixed use area is encouraged, individual projects do not have to be

mixed use.” This is completely contradictory of this proposal. She stated that assemblage is vital and requested that staff bring suggestions forward.

Regular meeting of the Mayor and City Council of the City of Sandy Springs was held February 12, 2008 at 10:02 p.m., Mayor Eva Galambos presiding.

Call to Order:

Mayor Galambos called the meeting to order at 10:02 p.m.

Roll Call and General Announcements:

Mayor Galambos requested that the City Clerk call the Roll.

City Clerk Rowland reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the Clerk.

City Clerk Rowland called the roll.

Councilmember’s Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery.

Approval of Meeting Agenda:

Motion and Vote: Councilmember Rusty Paul moved to approve meeting agenda. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Executive Session -Real Estate:

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss real estate matters. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session began at 10:15 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Rusty Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 10:25 p.m.

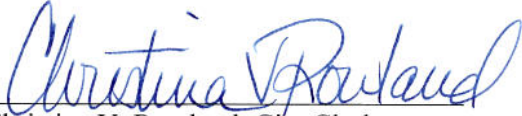
Adjournment

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Jenkins seconded the motion. After no further discussion, the meeting adjourned at 10:30 p.m.

Date Approved: March 18, 2008



Eva Galambos, Mayor



Christina V. Rowland, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

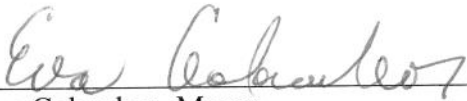
February 12, 2008

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 12th day of February, 2008 in the city aforesaid, a meeting of the Council was closed to the public for the following reasons:

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

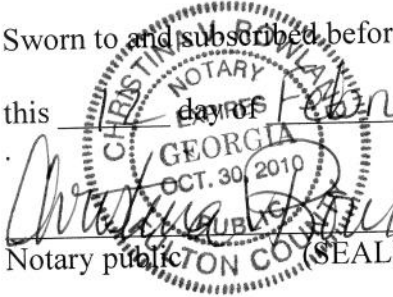
and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Eva Galambos, Mayor

Sworn to and subscribed before me,

this 12th day of February, 2008



Notary public (SEAL)